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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 HECTOR SANCHEZ LEYVA,

10 Petitioner,

No. CIV S-05-0031 FCD GGH P

11 vs.

12 ROBERT AYERS,

13 Respondent.

ORDER

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15 Petitioner is proceeding with appointed counsel on an application pursuant to 28  
16 U.S.C. §2254. Petitioner pro se is apparently “dissatisfied” with his counsel. See letters filed on  
17 8/9/05 and on 10/26/05. On December 5, 2005, petitioner’s counsel filed a request for leave to  
18 withdraw as counsel based on “an irreconcilable difference between himself and the client.” See  
19 counsel’s 12/05/05 request.

20 Prior to counsel’s request, however, on November 3, 2005, respondent filed a  
21 motion to dismiss. The court will not consider petitioner’s counsel request to withdraw before  
22 counsel has filed a response to the motion, which is now overdue. The court will extend the time  
23 for counsel to file a response by 20 days from the date of this order.

24 IT IS SO ORDERED.

25 DATED: 12/12/05

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
UNITED STATES MAGISTRATE JUDGE